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Docket No. JBP-586

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Miri Seiberg, et al.

Serial No.: 10/092,810

Art Unit: 1654

Filed : March 2, 2002

Examiner: M. Meller

For : METHOD FOR REGULATING PHAGOCYTOSIS AND ICAM-1
EXPRESSION

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 28, 2005

(Date of Deposit)

Andrea L. Colby – Reg. No. 30,194

(Name of applicant, assignee, or Registered Representative)

/Andrea L. Colby/

(Signature)

June 28, 2005

(Date of Signature)

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

**LETTER REQUESTING THE WITHDRAWAL OF THE PETITION FOR
REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(B)
AND PETITION FOR EXTENSION OF TIME**

Dear Sir:

Applicant respectfully requests the withdrawal of the Petition for Revival of An Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), mailed to the Patent and Trademark Office on June 14, 2005. The date for response to the Notice of Appeal mailed February 14, 2005, was inadvertently miscalculated and the application was

believed to be abandoned at the time these documents were submitted. However, the application was not abandoned and remains pending with the appropriate petition for extension of time.

Applicant(s) hereby respectfully petition(s) the Commissioner of Patents and Trademarks to extend the time for filing a Request for Continued Examination and Letter and Response, further to the Notice of Appeal filed February 14, 2005 for three(3) month(s) from April 14, 2005 to July 14, 2005. A Letter as well as additional papers as set forth therein are being filed concurrently herewith.

Please charge Deposit Account No. 10-0750/JBP586/ALC in the name of Johnson & Johnson for the cost of filing this Petition. Three copies of this Petition are enclosed.

Applicant requests that the Request for Continued Prosecution, Letter and Response to Final Rejection with copy of Petition to Change Inventorship in parent application Serial No. 09/206,249, with accompanying Assignment and Supplemental Declaration (copy attached), all mailed on June 14, 2005, be entered.

Respectfully submitted,

By: /Andrea L. Colby/
Andrea L. Colby
(Attorney for Applicants and
Assistant Secretary,
Johnson & Johnson
Consumer Companies, Inc.)
Reg. No. 30,194

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2792
Dated: June 28, 2005



DOCKET NO. JBP 586

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Miri Seiberg, et al.

Confirmation No.:

Serial No.: 10/092,810

Group No.: 1654

Filed: March 2, 2002

Examiner: M. Meller

For: METHOD FOR REGULATING PHAGOCYTOSIS AND ICAM-1
EXPRESSION

Certificate of Mailing or Transmission [37 CFR 1.8(s)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

June 14, 2005
(Date of Deposit)

Andrea L. Colby
Name of applicant, assignee, or Registered Representative

/Andrea L. Colby/
(Signature)

June 14, 2005
(Date of Signature)

Mail Stop Petitions
Assistant Commissioner for Patents
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

1. Petition fee;
2. Reply and/or Issue fee;
3. Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
4. Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Other than small entity fee \$1,330.00(37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office Action in the form of RCE and Letter and Response to Final Rejection (identify type of reply):
- ☐ has been filed previously on
- ☒ is enclosed herewith.

- B. The issue fee of \$
☐ has been paid previously on
☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity disclaiming the required period of time is enclosed herewith (See PTO/SB/63).

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))]

- ☒ Charge the petition fee of \$1,330.00 to Account 10-0750/JBP586/ALC and for any additional fee required. A duplicate of this petition is attached.
☐ A check in the sum of \$_____ is attached.
☒ Charge Account 10-0750/JBP586/ALC for any additional fee required.

/Andrea L. Colby/

Andrea L. Colby
Reg. No.: 30,194
Attorney for Applicant(s)

JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Tel. No.: (732) 524-2792
Date: June 14, 2005

Enclosures: ☒ Fee Payment
☒ Reply
☐ Terminal Disclaimer Form
☐ Additional Sheets containing statements establishing unintentional delay
☒ Other: copies of a Petition to Change Inventorship in parent application
Serial No. 09/206,249, the accompanying Assignment and Supplemental
Declaration